



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-00669S

Friday May 16, 2003

STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING

SECTION 214 APPLICATIONS (47 C.F.R. § 63.18); CABLE LANDING LICENSE APPLICATIONS (47 C.F.R. § 1.767) REQUESTS TO AUTHORIZE SWITCHED SERVICES OVER PRIVATE LINES (47 C.F.R. § 63.16); SECTION 310(B)(4) REQUESTS

Unless otherwise specified, the following procedures apply to the applications listed below:

The international Section 214 applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications are for authority under Section 214 of the Communications Act, 47 U.S.C. § 214, (a) to transfer control of an authorized carrier or to assign a carrier's existing authorization; and/or (b) to become a facilities-based international common carrier; and/or (c) to become a resale-based international common carrier.

Pursuant to Section 63.12 of the rules, these Section 214 applications will be granted 14 days after the date of this public notice (see 47 C.F.R. § 1.4 regarding computation of time), and the applicant may commence operations on the 15th day, unless the Commission has informed the applicant in writing, within 14 days after the date of this public notice, that the application, on further examination, has been deemed ineligible for streamlined processing.

Communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. An application can be removed from streamlined processing only in the sound discretion of Commission staff. The filing of comments or a petition to deny will not necessarily result in an application being deemed ineligible for streamlined processing.

The petitions for declaratory ruling listed below are (1) for authority under Section 310(b)(4) of the Communications Act, 47 U.S.C. § 310(b)(4), to exceed the 25 percent foreign ownership benchmark applicable to common carrier radio licensees, or (2) under Section 63.16 of the rules, to add a foreign market to the list of markets for which carriers may provide switched services over private lines. The requested rulings will be granted 14 days after the date of this public notice, effective the next day, unless the application is formally opposed or the Commission has informed the applicant in writing, within 14 days of the date of this public notice, that the application, on further examination, has been deemed ineligible for streamlined processing. For this purpose, a formal opposition shall be sufficient only if it is received by the Commission and by the applicant within 14 days of the date of this public notice and its caption and text make it unmistakably clear that it is intended to be a formal opposition.

Copies of all applications listed here are available for public inspection in the FCC Office of Public Affairs Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

We request that comments on any of these applications refer to the application file number shown below.

Petition for Declaratory Ruling

T-Mobile USA, Inc. (T-Mobile or Petitioner) seeks a declaratory ruling that it is not contrary to the public interest for VoiceStream Puerto Rico Subsidiary 3, LLC (VoiceStream Sub 3) to have indirect foreign ownership and voting interests in excess of the 25 percent benchmark in Section 310(b)(4) of the Communications Act of 1934, as amended. This request is filed in conjunction with the pro forma assignment of F Block PCS license KNLG202, Mayaguez, Puerto Rico (BTA 489) from Cook Inlet/VS GSM VI PCS, LLC to VoiceStream Sub 3 (see ULS File No. 0001219131).

Petitioner states that VoiceStream Sub 3 was created to effectuate the ultimate transfer of control of VoiceStream Sub 3 to Beach Holding Corporation, a U.S. corporation controlled by Cingular Wireless LLC, in accordance with the terms of an established agreement between the parties. According to Petitioner, VoiceStream Sub 3, a U.S. limited liability company, is a newly-formed, wholly-owned subsidiary of VoiceStream Puerto Rico Subsidiary 4, LLC (VoiceStream Sub 4), also a U.S. limited liability company. VoiceStream Sub 4 is, in turn, an indirect wholly-owned subsidiary of T-Mobile, a U.S. corporation formerly known as VoiceStream Wireless Corporation. T-Mobile is indirectly wholly owned by Deutsche Telekom AG, a corporation organized under the laws of the Federal Republic of Germany, a World Trade Organization (WTO) Member. Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), and the Commission's decision in VoiceStream-DT, IB Docket No. 00-187, FCC 01-142, 16 FCC Rcd 9779 (2001), the indirect foreign ownership and voting interest in VoiceStream Sub 3 is consistent with the public interest.

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Other Companies:

TComm, Inc.

Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Application for authority to provide service in accordance with Section 63.18(e)(2) of the rules.

International Telecommunications Certificate

Service(s): Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service

Application for authority to provide facilities-based service in accordance with Section 63.18(e)(1) of the rules, and also to provide service in accordance with Section 63.18(e)(2) of the rules.

Transfer of Control

Other Companies:

Commonwealth Telephone Enterprises, Inc. (Pennsylvania)

Current Licensee: Commonwealth Telephone Enterprises, Inc.**FROM:** Eldorado Equity Holdings, Inc.**TO:** Commonwealth Telephone Enterprises Inc DBA Commonwealth Communications

Application for consent to transfer control of an international section 214 authorization, ITC-214-19960726-00343 (as amended by Public Notice DA 00-1314, rel. June 15, 2000), held by Commonwealth Telephone Enterprises, Inc. (CTE) from Eldorado Equity Holdings, Inc. (Eldorado) to the public shareholders of CTE. Specifically, Eldorado currently holds 50.2 percent of CTE's Class B common stock resulting in a 29.3 percent total voting interest in CTE, a publicly traded corporation. Applicants assert that, because individuals affiliated with Eldorado's indirect parent company, Level 3 Communications, Inc., are directors of CTE, Eldorado might arguably be found to exercise de facto control over CTE. Eldorado proposes to restructure its ownership interests in CTE such that, upon consummation, Eldorado will hold a 4.6 percent voting interest in CTE. Applicants represent that, even if Eldorado currently is deemed to exercise de facto control over CTE, it will no longer be able to do so after the restructuring, and control of CTE will be transferred to the shareholders of CTE as a group.

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001-.2003.

The Commission most recently amended its rules applicable to international telecommunications common carriers in IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999). An updated version of Section 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.